IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

THURSDAY, THE 18TH JANUARY 2007 / 28TH PAUSHA 1928

WP(C).No. 523 of 2007(M)

PETITIONER:

SHILY MOLE EATTIMOOTTIL JACOB,
(SHILY MOLE E.J.)32YRS.,D/O.E.V.JACOB,EATTIMOOTTIL (H),VETTOOR P.O.,PATHANAMTHITTA DT,NOW WORKING AT AL-SABAH HOSPITAL,SAFAT,KUWAIT,REP.BY HER FATHER & P/A.HOLDER E.V.JACOB S/O.CHACKO VARGHES, EATTIMOOTTIL(H),VETTOOR PO.,PATHANAMTHITTA DIST.

BY ADV. SRI.V.PHILIP MATHEW

RESPONDENTS:

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1. REGISTRAR OF BIRTHS AND DEATHS,
SPECIAL GRADE SECRETARY, MALAYALAPUZHA PANCHAYAT,
MALAYALAPUZHA THAZHAM P.O.,
PATHANAMTHITTA- 689 666.

2. MALAYALAPUZHA GRAMA PANCHAYAT,
REP.BY ITS SECRETARY,
MALAYALAPUZHA THAZHAM P.O.,
PATHANAMTHITTA- 689 666.

3. STATE OF KERALA,
REPRESENTED BY THE CHIEF SECRETARY,
KERALA GOVERNMENT SECRETARIAT, TRIVANDRUM.

R1&2 BY ADV. SRI.M.V.BOSE
R3 BY G.P. SMT.N.SUDHA DEVI

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 18/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

P1: COPY OF THE LETTER DT.30.9.2006 FROM R1 TO PETITIONER'S FATHER STATING THE CONTENTS OF THE BIRTH REGISTER REGARDING THE PETITIONER.

P2: COPY OF THE RELEVANT PAGE OF PETITIONER'S SSLC BOOK SHOWING HER NAME AND DATE OF BIRTH.

P3: COPY OF THE RELEVANT PAGE OF PETITIONER'S PASSPORT.

P4: COPY OF APPLICATION IN THE FORM OF AN AFFIDAVIT FILED BY PETITIONER'S FATHER E.V.JACOB BEFORE R1 FOR CORRECTION OF ENTRIES IN BIRTH REGISTER.

P5: COPY OF LETTER DT.2.12.2006 FROM R1 TO PETITIONER'S FATHER REJECTING EXT.P4.

RESPONDENT'S EXHIBITS:

R1(a): TRUE COPY OF PETITIONER'S FATHER'S REQUEST DT.7.7.2006.

R1(b): TRUE COPY OF LETTER DT.21.7.2006 FROM PANCHAYAT DEPUTY DIRECTOR, PATHANAMTHITTA TO SECRETARY, MALAYALAPUZHA GRAMA PANCHAYAT.

R1(c): TRUE COPY OF REPLY DT.29.7.2006 SENT BY SECRETARY, MALAYALAPUZHA GRAMA PANCHAYAT TO DEPUTY PANCHAYAT DIRECTOR, PATHANAMTHITTA.

TRUE COPY

P.A. TO JUDGE

C.N.RAMACHANDRAN NAIR, J.

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W.P.(C) No.523 of 2007

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Dated this the 18th day of January, 2007.

JUDGMENT

This W.P. is filed by the petitioner for direction to the second respondent-Panchayat to correct the date of birth in the Panchayat records and issue fresh Birth Certificate to the petitioner. Counsel for the Panchayat submitted that date of birth shown in the Panchayat records is 22.5.1974. It is seen that petitioner's SSLC book and Passport contains date of birth as 20.4.1974. There is also some discrepancy in the name of the petitioner in the Panchayat records. However, counsel for the Panchayat submitted that the name of the parents and the address of the petitioner are correct. Since the identity of the person whose particulars are recorded in the Panchayat register is not in dispute, W.P. is disposed of with direction to the Panchayat to correct the name and date of birth of the petitioner in line with the name and date of birth contained in the Passport and issue a fresh Birth Certificate to the petitioner within two weeks from the date of production of copy of this judgment along with copy of Passport duly attested.

C.N.RAMACHANDRAN NAIR
Judge

pms